

RESOLUTION NO. 18-058

AN AMENDED RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL SUBMITTING TO THE CITY OF MORGAN HILL'S QUALIFIED VOTERS AT THE NOVEMBER 6, 2018 GENERAL MUNICIPAL ELECTION A MEASURE SEEKING VOTER APPROVAL TO CONVERT THE OFFICE OF THE CITY CLERK TO AN APPOINTIVE POSITION; REQUESTING THE ASSISTANCE OF THE COUNTY OF SANTA CLARA IN CONNECTION WITH THAT ELECTION; AND REQUESTING CONSOLIDATION OF THAT ELECTION WITH ANY OTHER ELECTION HELD ON THAT DATE

WHEREAS, a General Municipal Election has been called and is to be held in the City of Morgan Hill, California on Tuesday, November 6, 2018;

WHEREAS, Morgan Hill's elected City Clerk position was established at the time of the City's incorporation in 1906; and

WHEREAS, over time, the duties and requirements of this position have changed; and

WHEREAS, the California Government Code requires each general law city to have a City Clerk; and

WHEREAS, in a majority of California cities this position is appointed, not elected; and

WHEREAS, California Government Code §36508 provides that the City Council may place the question on the ballot whether the City Clerk should be an appointive office.

WHEREAS, on July 18, 2018, the City Council met and considered a staff report pertaining to the issues on converting the elected City Clerk and City Treasurer offices to appointed positions; and

WHEREAS, during the July 18, 2018 City Council Meeting, the Council directed staff to move forward with placing the issues before voters; and

WHEREAS, on July 27, 2018, the City Council met again and considered a staff report pertaining to the issues on converting the elected City Clerk and City Treasurer offices to appointed positions; and

WHEREAS, during the July 27, 2018 City Council Meeting, the Council directed staff to amend the resolution removing the City Treasurer position from the ballot question; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORGAN HILL, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The following ballot measure shall be submitted to the voters at the General Municipal Election to be held on Tuesday, November 6, 2018:

Shall the office of City Clerk be appointive?	YES
	NO

SECTION 2. If the voters approve converting this elected office into an appointed position, then the appointment would become effective upon the earlier of either a vacancy or at the end of the current term of office (i.e., December 2020).

SECTION 3. The municipal election is hereby ordered consolidated with the general municipal election, which will be held within the City of Morgan Hill on Tuesday, the 6th day of November 2018. The elections hereby consolidated shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

SECTION 4. Pursuant to Section 10002 of the Elections Code, the City Council hereby request the Board of Supervisors of Santa Clara County ("Board of Supervisors") to permit the Santa Clara County Registrar of Voter's Office to render services necessary to place this measure on the ballot of the next general municipal election and to conduct the election of this ballot measure. The City Council recognizes that additional costs may be incurred by the County by reason of these services and agrees to reimburse the County for these costs.

SECTION 5. The election on this measure shall be held, voting precincts designated, ballots printed, polls opened and closed, ballots counted and returned, returns canvassed, the returns made, and a result ascertained and determined, and all other proceedings conducted in connection with the election, under the regulations of the Registrar of Voters of Santa Clara County, in accordance with the provisions of the law governing general municipal elections in general law cities.

SECTION 6. The City Council authorizes all members of the City Council to file written argument(s) In Favor of, or Against the measure described in Section 1 above, not exceeding 300 words, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California.

The arguments may be changed or withdrawn until and including the date fixed by the City Clerk after which no arguments for or against the referendum may be submitted to the City Clerk.

The City Attorney shall prepare an impartial analysis of the measure. Any person or persons may file an argument either for or against the ballot measure. An argument for or against the measure shall not exceed 300 words in length. If more than one argument is submitted for the measure, or more than one argument against the measure, the City Clerk shall select the argument to be included with the ballot materials. Rebuttal arguments shall be permitted pursuant to applicable law.

SECTION 7. The primary arguments for and against the measure shall be submitted to the City Clerk by five o'clock p.m. on August 10, 2018 to meet the deadline established by the Santa Clara County Registrar of Voters for primary arguments. The arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument. The arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument to be provided by the City Clerk.

SECTION 8. In accordance with Elections Code section 9285(b), the City of Morgan Hill hereby authorizes the filing of rebuttal arguments as set forth below and in accordance with state law.

The elections official shall send a copy of an argument in favor of the proposition to the authors of any argument against the measure and a copy of an argument against the measure to the authors of any argument in favor of the measure immediately upon receiving the arguments.

The author, or a majority of the authors, of any argument relating to the measure may prepare and submit a rebuttal argument not exceeding 250 words or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

A rebuttal argument may not be signed by more than five authors.

The rebuttal arguments shall be filed with the City Clerk, signed with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization and the printed name and signature of at least one of its principal officers, not more than 10 days after the final date for filing direct arguments. The rebuttal arguments shall be accompanied by the Form of Statement to be provided by the City Clerk and to be filed by the author(s) of the argument.

Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

Rebuttal arguments for and against the measure shall be submitted to the City Clerk by five o'clock p.m. on August 17, 2018 to meet the deadline established by the Santa Clara County Registrar of Voters for rebuttals.

SECTION 9. Ballots for said election shall be provided in the form and in the number provided by law. On said ballots, in addition to any other printed matter which may be required by law, two voting spaces shall be set off to the right of the ballot measure, in the manner provided by law, one having the word "Yes" printed before it and the other having the word "No" printed before it.

SECTION 10. If, at the election, a majority (50% plus 1) of the votes cast on the measure are in favor of the measure, then the measure shall be deemed to have been accepted and approved by the votes upon the date that that vote is declared by the City of Morgan Hill and shall go into effect ten (10) days after that date, pursuant to Section 9217 of the Elections Code.

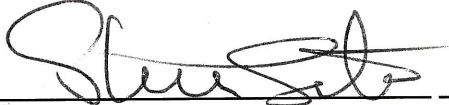
SECTION 11. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law.

SECTION 12. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED by the City Council of Morgan Hill at the meeting held on this 27th day of July 2018 by the following vote:


AYES:	COUNCIL MEMBERS:	Steve Tate, Rich Constantine, Rene Spring, Caitlin Robinett Jachimowicz, Larry Carr
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None

APPROVED:



STEVE TATE, Mayor

ATTEST:



IRMA TORREZ, City Clerk

∞ **CERTIFICATION** ∞

I, Irma Torrez, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No.18-058, adopted by the City Council at the meeting held on July 27, 2018.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE:

August 9, 2018



Irma Torrez, CITY CLERK

